

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-3500-2013 (O&M)
Date of decision: 05.02.2016

Kulwinder Kaur and others

..Appellants

Versus

Baljeet Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Goyal, Advocate for the appellants.

Mr. Vinod Bhardwaj, Advocate
for respondent Nos.1 & 2

Mr. Sanjeev Goyal, Advocate for respondent No.3.

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JITENDRA CHAUHAN, J.

CM-14252-CII of 2013

Despite availing the sufficient opportunity, no reply has
been filed to the delay application.

Heard.

For the reasons contained in the application, same is
allowed and delay of 87 days in filing the appeal is condoned.

Main Case

This is claimants' appeal seeking enhancement of the
amount of compensation awarded vide impugned award dated

04.12.2012, passed by the learned Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal').

The only argument raised by the learned counsel for the appellants that the amounts awarded towards loss of consortium, loss of love and affection and funeral are grossly inadequate and deserves to be enhanced.

The learned counsel for the respondent-Insurance Company has vehemently opposed the present appeal.

I have heard the learned counsel for the parties and perused the record.

The factum of accident is admitted and proved on record. It stands established that the deceased had died as a result of the accident.

From the perusal of the record, it reveals that the learned Tribunal has awarded Rs.10,000/- towards 'loss of consortium' and Rs.10,000/- towards 'cremation and last rites'. Accordingly, in view the law laid down in ***Rajesh Vs. Rajbir Singh (SC), 2013(3) R.C.R. (Civil), 170***, another amounts of Rs.90,000/- and Rs.5,000/- are awarded towards 'loss of consortium' payable to the wife of the deceased only and 'cremation and last rites', respectively.

Furthermore, following the law laid down in ***Vimal Kanwar and ors Vs. Kishore Dan and ors., (2013-3) PLR 776***, an

amount of Rs.1,00,000/- is awarded to the children of the deceased for loss of love, care and guidance, in equal shares.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.1,95,000/- [Rs.90,000/- (enhancement towards 'loss of consortium', payable to the wife of the deceased only) + Rs.5,000/- (enhancement towards the head 'cremation and last rites') + Rs.1,00,000/- (towards loss of love, care and guidance payable to the children of the deceased only, in equal share)] as indicated above, in the manner prescribed in the impugned award, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, they shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

05.02.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**